

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

EDWIN MANON ARIAS,

Defendant.

22-CR-495 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

The Court has reviewed defense counsel's letter dated November 3, 2023, Dkt. 42, and the Government's response, dated November 7, 2023, Dkt. 45. The defense asks the Court to modify the sentence imposed, which consisted of (1) a four-month term of imprisonment, followed by (2) a three-year term of supervised release, the first six months of which were to be spent in home confinement. The defense asks the Court to impose instead a six-month term of home confinement, apparently eliminating the preceding term of imprisonment, on the ground that such would make it less likely that immigration authorities would detain the defendant during the period of home confinement.

The Court declines to modify the sentence imposed. The Court does so substantially for the reasons given by the Government. In addition, the defense's proposal, insofar as the defense implicitly asks that the four-month term of imprisonment be eliminated, is irreconcilable with the Court's determination at sentencing that such was a necessary component of the sentence.

SO ORDERED.

A handwritten signature in blue ink that reads "Paul A. Engelmayer". The signature is written in a cursive, flowing style.

PAUL A. ENGELMAYER
United States District Judge

Dated: December 8, 2023
New York, New York